

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13-cv-623-FDW**

<b>CLAUDE D. LANEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>SIX UNKNOWN OFFICERS,</b>	)	
	)	
<b>Defendants.</b>	)	
<hr style="width:45%; margin-left:0"/>	)	

**THIS MATTER** is before the Court on a periodic status review.

**I. BACKGROUND**

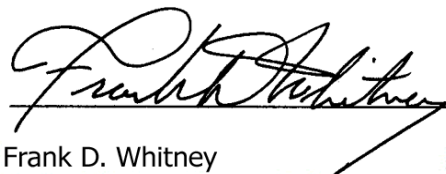
In this action brought pursuant to 42 U.S.C. § 1983, pro se Plaintiff Claude D. Laney, a North Carolina state court inmate currently incarcerated at Central Prison in Raleigh, North Carolina, brings claims against Defendants for excessive force in violation of his constitutional right not to be subjected to cruel and unusual punishment under the Eighth Amendment to the U.S. Constitution. In his Complaint, Plaintiff names as Defendants “Six Unknown Officers.” In the section of the Complaint in which the Defendants are named, Plaintiff states that the action is against one white sergeant, one black sergeant, two white officers, and two black officers. See (Doc. No. 1 at 3). Plaintiff’s action arises out of an incident that allegedly occurred at Lanesboro Correctional Institution on May 12, 2013, and in the early hours of May 13, 2013. In an Order dated June 13, 2014, this Court added the State of North Carolina as a necessary party for the limited purpose of providing names of the officers involved in the alleged incident giving rise to Plaintiff’s claims. (Doc. No. 8). On July 9, 2014, the State of North Carolina filed an Answer,

in which the State of North Carolina, upon information and belief, provided the names of seven officers who may have knowledge of the alleged incident in this action.

In an order dated July 15, 2014, the Court gave Plaintiff thirty days from service of the order in which to file an amended complaint, identifying named Defendants in this action whom Plaintiff alleges committed the alleged constitutional violation. The Court expressly warned Plaintiff that failure to file an amended complaint as ordered by the Court within thirty days would result in dismissal of this action without prejudice and without further notice to Plaintiff. More than thirty days has elapsed and Plaintiff has not filed an amended complaint. The Court will, therefore, dismiss this action without prejudice to Plaintiff for failure to prosecute.

**IT IS, THEREFORE, ORDERED** that:

1. This action is dismissed without prejudice.
2. The Clerk is directed to terminate this action.

  
Frank D. Whitney  
Chief United States District Judge

